

Sec. 110-86. - Permit requirements.

Before any person shall dig, excavate in, bore under or remove any portion of any city right-of-way, street, alley, curb or sidewalk in the city, he shall obtain a permit issued by the city public works director. At the time of making application for the permit, an inspection fee of \$50.00 shall be paid. An applicant for such permit shall deposit a sufficient surety bond at the office of the city public works director before a permit shall be issued. The amount of the bond shall be determined by the public works director based upon the estimated cost of the permanent repair as described under subsection (2)d below, plus an amount sufficient to pay for any and all damages to public property that may result in the course of the permitted work, but shall not be less than \$5,000.00. The bond shall be forfeited, all or in part thereof, for failure to comply with the rules of public safety, failure to close the opening within 24 hours after the work has been completed, failure to complete the backfill and repair in accordance with specifications, failure to complete the necessary cleanup, damage to public property including but not limited to the street subgrade, asphalt surface, concrete surface, curb and gutter, sidewalk, and/or all infrastructure located within the street right-of-way or causing unnecessary inconvenience or damage to vehicular or other traffic.

- (1) *Jacking or boring.* The depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of two and one-half feet below the low points of the street cross section to the top of the pipe or casing, or three and one-half feet below the bottom of the pavement structure (top of subgrade) to the top of the pipe or casing, whichever gives the greatest depth. If the pavement structure is damaged by the jacking or boring installation, it shall be repaired in accordance with subsection (2) below.
- (2) *Street cuts.* All street cuts shall be made and repaired in accordance with section 110-54(4), and as shown in the Standard Details for Street and Drainage Construction "Street Cut (Trench) Repairs" dated October 2016.
 - a. The person making a street cut shall display their company name and telephone number on company vehicles and equipment while in the right of way. The street cut shall be saw-cut in a smooth straight line before any excavation commences. Flares, barricades, warning signs and other warning devices as required in the current edition of the MUTCD shall be used to protect the public from harm. The public works

director or his authorized representative shall inspect the street opening before any backfill is placed in the opening and during the backfill operation. A permanent patch of four inches of hot-mix asphalt shall be used over the top of the backfill matching the existing grade of the street surface in accordance with City of Springdale, Arkansas Standard Details for Street and Drainage Construction.

- b. If it is necessary to undertake any activity requiring a permit pursuant to this section during off-duty hours, or in the case of an emergency, the person making the cut shall notify the city police department. Normal duty hours are from 7:30 a.m. until 4:00 p.m. Monday through Friday with the exception of holidays. The city public works director or his authorized representative shall inspect all such activity made during off-duty hours, or due to an emergency. An extra charge in the amount of \$30.00 per hour shall be billed to the person to compensate the city public works director or his authorized representative.
 - c. The person who makes the street cut shall be responsible for making any needed repairs due to settling of the cut or failure of the repair for a period of 90 days from the time the permanent patch is completed.
 - d. After the permanent patch is complete, the city public works director or his authorized representative shall make a final inspection. The bond deposited with the city shall be returned to the applicant after final cleanup of the final repair of the trench cut is complete. A contractor in the business of performing utility construction and/or maintenance that requires excavation in the street right-of-way or is engaged in a contract to perform work that includes excavation in the street right-of-ways shall be required to provide a standing surety bond sufficient to cover the scope of the expected number of permits applicable to each and every site upon which to work is scheduled to take place and where a permit will be required. The standing surety bond will remain in place until the completion of all permitted work and all permitted work is fully inspected by the public works director and deemed to be satisfactory.
- (3) *Curb cuts for driveways.* Curb modifications for driveways shall be in accordance with this section with the exception that a cash deposit of \$500.00 will be deposited with the city at the time the curb cut permit is

issued. The public works director or his authorized representative shall inspect the curb cut after the excavation for the driveway is complete and before any base material, asphalt or concrete is placed for the construction of the driveway. A final inspection shall be performed after the driveway construction and cleanup is complete. The cash deposited with the city shall be returned to the applicant when the curb modification is completed in accordance with this section.

(4) inspection and enforcement.

- a. Inspections of the work in progress and the finished work shall be completed by the city public works director or his authorized representative. Any and all deficiencies in the work or deviation from the requirements of permit requirements shall be noted and communicated to the contractor performing the work and directed to make necessary corrections immediately. Failure of the contractor performing the work to make the required corrections shall result in a stop work order until such time the work being performed is brought into compliance.
- b. Any person engaging in activity governed by the provisions of this section without a permit as provided herein shall be punished in accordance with the provisions of section 1-9. In addition, the city public works director or his authorized representative shall issue a stop work order until such time the work being performed is brought into compliance.

(Ord. No. 3258, § 1, 11-12-02; Ord. No. 5042, § 1, 5-10-16; Ord. No. 5142, § 1, 2-14-17; Ord. No. 5303, § 1, 7-24-18)

Sec. 110-11. - Requirements of work zone plans.

The street department, as designated by the mayor, shall have the power to make reasonable regulations and shall use part VI "standards and guides for traffic controls for street and highway construction, maintenance, utility and incident management operations" of the manual on uniform traffic control devices for streets and highways for barricading of construction areas within the public right-of-way. The department may require, as a part of any barricade plan, that the applicant maintain such barricades, signals, signs, or other traffic-control or safety devices according to such regulations. The department may require that work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from an excavation be located other than adjacent to the work area where feasible. In addition, the department may require that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirements are necessary in the interests of safety and to avoid traffic congestion.

(Ord. No. 3258, § 1, 11-12-02)

Sec. 110-12. - Fee.

The area of public property on which fees shall be paid shall be that space, enclosed within and occupied by any barricade, fence, covered walkway or tunnel. Charges for such use shall be made for the day, and any fraction of a day, on the following basis: for public space occupied, one cent per square foot, with a minimum fee of \$20.00 per day.

(Ord. No. 3258, § 1, 11-12-02)

Sec. 110-14. - Penalty.

Any person convicted of a violation of any of the provision of this section shall be punished in accordance with the provisions of section 1-9.

(Ord. No. 3258, § 1, 11-12-02)

Sec. 1-9. - Penalty for violations.

- (a) In this Code "violation of this Code" means:
 - (1) Doing an act that is prohibited or made or declared unlawful; an offense or a misdemeanor authorized by ordinance or by rule or regulation.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- (b) In this Code "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$500.00 for each day that the violation is unlawfully continued.
- (d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.
- (e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (f) Violations of this Code that are continuous with respect to time, are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

(Code 1973, § 1-8; Ord. No. 4338, § 1, 7-14-09)

State Law reference— Ordinance violations, A.C.A. §§ 14-55-501 et seq., 14-55-601 et seq.